



U.S. Department of Labor

Final Rule Implementing Revisions to the Youth Employment Regulations



- The Department of Labor's Employment Standards Administration's Wage and Hour Division published in the Federal Register on Thursday, December 16, 2004, final regulations implementing changes to employment rules for youth. The final rules expand protections for youth working in restaurant cooking, roofing, driving and other areas. The existing child labor regulations are found at 29 CFR Part 570.
- Publication of this rule marks another step forward in the Department's ongoing effort to promote positive, safe work experiences for young workers and improve the nation's youth employment provisions in ways that balance the benefits of employment opportunities for youth with the necessary and most effective safety protections.
- As part of this ongoing review, the Department contracted with the National Institute for Occupational Safety and Health (NIOSH) to underwrite the report entitled *National Institute for Occupational Safety and Health Recommendations to the U. S. Department of Labor for Changes to Hazardous Orders*. This rule substantially incorporates four of the NIOSH report's recommendations.
- This rule will not reduce the overall number of safe, positive and legal employment opportunities available to young workers nor will compliance increase employer costs.
- This rule follows the very successful YouthRules! Initiative launched in May 2002. The YouthRules! Initiative and the website (<http://youthrules.dol.gov/>) help educate teens, parents, educators, employers, and the public on federal and state laws regarding young workers. They explain the hours young people can work and the jobs they can do. The Department has partnered with dozens of representatives from all levels of government, businesses, unions and advocacy groups to help spread the message.
- This rule incorporates two statutory amendments enacted by the Congress in 1996 and 1998 – The Compactors and Balers Safety Standards Modernization Act (Public Law 104-174; Aug. 6, 1996) and The Drive for Teen Employment Act (Public Law 105-334; Oct. 31, 1998). The first amendment establishes criteria permitting 16- and 17-year-olds to load, but not operate or unload, certain waste-material baling and compacting equipment; the second amendment delineates what limited on-the-job driving may be performed by qualified 17-year-olds. While extensive compliance assistance was provided following enactment of these two Acts, incorporating the provisions into the youth employment regulations will bolster both compliance and enforcement.
- This rule modernizes the youth employment provisions regarding the types of cooking 14- and 15-year-olds are permitted to perform by accommodating the realities of 21st Century workplaces. The old rule was failing to provide adequate safety protections for young worker or compliance guidance for employers, as the snack bars and soda fountains of the 1950s – for which the rule was designed – have been replaced by a multiplicity of quick service/fast food establishments in the last twenty years.

- This rule prohibits 14- and 15-year-olds from cooking *except* (1) cooking with electric or gas grilles which does not involve cooking over an open flame and (2) operating deep fat fryers which are equipped with and utilize, during the frying process, devices which automatically raise and lower the baskets.
- The rule also permits 14- and 15-year-olds to clean, maintain (including the changing, cleaning, and disposing of oil or grease and oil or grease filters) and repair cooking devices (other than power-driven equipment) when the surface temperatures (equipment or liquids) do not exceed 100° F. Previously, there was no restriction on young workers cleaning such equipment or transporting hot oil.
- This rule continues to prohibit 14- and 15-year-olds from performing any baking. It also incorporates long-standing departmental positions which permit these minors to operate microwave ovens that are used only to warm prepared food, and use, dispense, and serve food from warmers, steam tables, and other warming devices. Further, the rule preserves the current provision allowing these minors to perform kitchen work and other work to prepare and serve food and beverages, including operating certain machines used in performing such work.
- This rule expands the current prohibition against youth under age 18 working in roofing occupations to encompass all work *on or about a roof*, including work performed upon or in close proximity to a roof. This important change will do much to reduce the number occupational injuries and deaths among young workers. Youths may now only perform such work under the auspices of a bona fide apprenticeship or student-learner program.
- This rule also incorporates some minor technical or procedural changes that will allow the Department to better administer the youth employment provisions.
 - The rule makes portable properly issued age certificates, which certify that a person meets the Fair Labor Standards Act (FLSA) minimum age requirements for employment. Thus youths, who enter and leave the job market frequently, need only apply once for an age certificate.
 - The rule substitutes a current list of *articles containing explosive materials* issued by the Bureau of Alcohol, Tobacco and Firearms for one issued by the now defunct Interstate Commerce Commission. Hazardous Occupations Order No. 1 prohibits youth from working in establishments that manufacture or store articles containing explosive materials.
 - The rule makes clear and incorporates into the regulations the Department's long-standing position that employers assessed child labor civil money penalties under Section 16(e) of the FLSA must first exhaust all administrative remedies before requesting judicial review of the assessment.

To learn more about the U.S. Department of Labor's Final Revisions
To the Youth Employment Regulations visit: www.youthrules.dol.gov